THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 3rd day of January, 2007

W.P.No.8130 of 2004

Between:-

Onteddu Chinna Rama Suba Reddy
and others … Petitioners

and

The Executive Engineer,
Minor Irrigation Works Division,
Nandyal, Kurnool District
and others … Respondents

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W.P.No.8130 of 2004

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to direct the respondents to implement the Orders passed by this Court on 8-9-2000 in Writ Petition No.36755 of 1998.

Under the said Order, this Court directed the 3rd respondent to initiate the proceedings for acquisition of the lands of the petitioners in conformity with the Joint Report dated 23-1-1993 and intimate to respondents 1 and 2 within three weeks from the date of receipt of a copy of that order fixing the value of the land for making necessary funds available by respondents 1 and 2 and further complete the land acquisition proceedings, within a period of three months from the date of receipt of a copy of that order. Respondent No.3 was also directed to apply the provisions of Section 17(3A) of the Land Acquisition Act,1894 (for short 'the Act') and pay compensation as provided thereunder. Respondents 1 and 2 were further directed to make the funds available to 3rd respondent, within four weeks from the date of receipt of the communication from the 3rd respondent as directed earlier.

It appears that when the land acquisition proceedings were not initiated and compensation was not paid, the present Writ Petition is filed. While admitting the Writ Petition, an interim order was passed on 28-4-2004 directing the respondents to pay advance compensation to the petitioners in terms of Section 17(3A) of the Act

pending disposal of the Writ Petition. Thereafter, counter and vacate stay petitions were filed. After hearing both parties, this Court by an Order dated 5-11-2004 felt that there was no justification in vacating the interim order granted on 28-4-2004; as such, the same was made absolute and the respondents were directed to pay the said amount within a period of two month from 5-11-2004.

In view of the above, the respondents are directed to implement the Orders passed by this Court in Writ Petition No.36755 of 1998, dated 8-9-2000, if not already implemented, as per the orders passed by this Court on 5-11-2004, within a period of one month from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

03-1-2007

prk